



Medical Marijuana Registry

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Medical Marijuana Registry Physician Update December 2011

Due to regulatory changes approved by the Board of Health on November 16, 2011, the Registry is anticipating several changes to the program effective January 1, 2012. The following highlights provide an overview of these changes. To keep current with Medical Marijuana Registry policies, procedures and other activities, please visit the website often. **For questions or comments, please contact us at 303-692-2184 or medical.marijuana@state.co.us.**

Changes to Fee Waiver Process: Effective January 1, 2012, the Registry will only accept certified Colorado tax returns as proof of income. Patients whose household income is at 185% of the Federal Poverty Level or less. To apply for a fee waiver, patients must submit a Request for Fee Waiver/Tax-Exempt Status (form #MMR1010) with their application packet. Patients who already have their registration card, may also use this form to apply for tax-exempt status. The chart below indicates the annual household incomes, adjusted for family size, that qualify for a fee waiver.

**Household incomes at 185% of
2011 Federal Poverty Guidelines***

# in Family	Annual Income
1	\$ 20,146.50
2	\$ 27,213.50
3	\$ 34,280.50
4	\$ 41,347.50
5	\$ 48,414.50
6	\$ 55,481.50
7	\$ 62,548.50
8	\$ 69,615.50
Each additional	\$ 7,067.00

Source: *Poverty guidelines are updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. 9902(2).

To order a certified copy of the Colorado tax return, patients must submit form DR 5714 'Request for Copy of Tax Returns' to the Colorado Department of Revenue. A copy of the form is included with this newsletter. Please note that the patient must check the box that reads "A Certified Copy of:" and have the form notarized, in order to receive a certified copy. The form is available at www.colorado.gov/cms/forms/dor-tax/dr5714.pdf.

Once a patient receives the certified tax returns, he/she must submit the complete copy along with a Request for Fee Waiver/Tax-Exempt Status, form #MMR1010, with his/her application to be considered for a fee waiver.

Application fee reduced: Effective January 1, 2012, the application fee will be \$35. Please advise patients to carefully assess the application fee that must be submitted with their paperwork. **The Registry has a 'no refund' policy.**

Applications submitted by or before December 31, 2011: The fee is \$90 for applications received by or before December 31, 2011. Applications received with less than \$90 will be rejected.

Applications submitted January 1, 2012 or later: The fee is \$35 for applications received at the Registry on January 1, 2012 or later. The Registry will not issue a refund to patients who send the application in with more than \$35.

Protecting Patient Information on Electronic Forms:

With the release of electronic forms in October, the Registry has seen an increase in applications with inaccurate information. Please be sure to open a fresh form for every patient. In some cases, the Registry has received applications for patients with another individual's social security number, address, and date of birth. This creates significant risk for breaches of confidentiality. Encourage patients to read all forms carefully before signing. *When working with patients with potential literacy concerns, it may be helpful to read the information to them for verification.*

New Forms December 2011: The Registry has released new versions of all forms effective December 1, 2011. Modifications have been made to the forms in response to regulatory changes and the reduction of application fees effective January 1, 2012. The forms also feature changes recommended by community partners. ***Please begin using these forms immediately.*** The Registry will accept the October 2011 version of Physician Certifications until February 28, 2012.

For more information, please visit:
www.cdphe.state.co.us/hs/medicalmarijuana

The Registry is not affiliated with any privately operated club, organization, or dispensary.

Physician Certification Policies

The Registry has conducted an extensive review of all its written materials and policies to ensure compliance with State statutes and to increase readability and comprehension rates. As a result of this analysis, **new forms were released on December 1, 2011.**

Physicians recommending the use of medical marijuana to their patients should be aware of the following policies and procedures.

1. **Bona fide Physician-Patient Relationship:** Based on Board of Health regulations, only physicians who have a bona fide physician-patient relationship with a particular patient may “certify to the state health that the patient has a debilitating medical condition and that the patient may benefit from the use of medical marijuana.” A bona fide relationship means:
 - a. A physician and a patient have a treatment or counseling relationship, in the course of which the physician has completed a full assessment of the patient's medical history and current medical condition, including an appropriate personal physical examination;
 - b. The physician has consulted with the patient with respect to the patient's debilitating medical condition before the patient applies for a registry identification card; and
 - c. The physician is available to or offers to provide follow-up care and treatment to the patient, including but not limited to patient examinations, to determine the efficacy of the use of medical marijuana as a treatment of the patient's debilitating medical condition.
2. **Physicians in ‘Good Standing’:** The Physician Certification must be completed and signed by a M.D. or D.O. with an active Colorado medical license. Physicians with conditions or restrictions on their license, or out-of-state license, may not sign the form.
3. **Submitting new Physician Certifications:** Physician Certifications are submitted annually as part of the application process. Physician Certifications cannot be received by fax from the physician’s office. The patient must submit all paperwork in one package to ensure the application is complete and can be processed. Physician Certifications submitted separately from the application process will be rejected. If a patient’s homebound status has changed, the patient may submit form #MMR1011 Change of Homebound Status, which includes a Physician Certification.
4. **Confidentiality of Patient and Physician Data:** Information gathered from the application packet, including the Physician Certification, is used to determine a patient’s eligibility for a Medical Marijuana Registration Card. All patient and physician records are confidential. The Registry is required to maintain statistical records and provide aggregate data to State regulatory agencies to ensure legislative compliance. This information does not include confidential indicators associated with patients or physicians.
5. **Medical Diagnosis and Plant Count Recommendations:** The Registry approves patient applications within legislative parameters. Registry staff are not qualified or permitted to provide guidance regarding diagnosis or plant count recommendations for patients. If a physician does not select a plant count option on the Physician Certification, the standard count of 6 plants/2 ounces of useable marijuana is entered into the patient’s records.
6. **Match Signature to DEA Certificate:** Staff verify all physician names and signatures against a list of doctors for whom we have current DEA certificates on file. When the physician's information on the Physician Certification does not match the DEA certificate, the form is rejected. Please provide the physician’s full, legal name on all forms.